

IN RE: PETITION FOR ADMINISTRATIVE
ZONING VARIANCE
E/S Wilson Point Road, 1140 ft.
South of Shore Road
1817 Wilson Point Road
15th Election District
5th Councilmanic District

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-158-A

Jack R. Schultz, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 400.1 of the Baltimore County Zoning Regulations (S.C.Z.R.) to permit an accessory structure (shed) to be located in the side yard, in lieu of the required rear yard, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

This property lies within close proximity to the Chesapeake Bay and is, therefore, subject to the Chesapeake Bay Critical Area legislation found within Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management must submit recommendations which describe what steps the Petitioners must take to ensure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

As of the date hereof, these recommendations have not been submitted and the Department of Environmental Protection and Resource Management has requested an extension to complete their study. This extension has been approved and the granting of the variance herein shall be conditioned upon the receipt of, and compliance with, those recommendations.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this 10th day of November, 1993, that the Petition for a Zoning Variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (shed) to be located in the

side yard in lieu of the required rear yard, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Compliance with the Department of Environmental Protection and Resource Management recommendations to be submitted upon completion of their review of this matter.
3. The Petitioners shall remove the existing shed (5 ft. from the water on the front side of the property) as a condition precedent to the relief granted herein.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mm

ORDER RECEIVED FOR FILING
Date 11/18/93
By Mr. Schultz

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

Mr. and Mrs. Jack R. Schultz
1817 Wilson Point Road
Baltimore, Maryland 21220

RE: Petition for Administrative Variance
Case No. 94-158-A
Property: 1817 Wilson Point Road

Dear Mr. and Mrs. Schultz:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

LES/mm
encl.

Very truly yours,
Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner



Petition for Administrative Variance 94-158-A to the Zoning Commissioner of Baltimore County for the property located at 1817 WILSON POINT ROAD which is presently zoned PR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 BECAUSE TO PERMIT
AN ACCESSORY (PROPOSED SHED) TO BE LOCATED IN SIDE IN LIEU OF REAR YARD

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

SEE AFFIDAVIT.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Write on solemnly declare and affirm, under the penalties of perjury, that true are the legal owner(s) of the property which is the subject of this Petition.

Current Purchaser/Lessee
(Type or Print Name)
Signature
Address
City State Zipcode

Legal Owner:
* *Jack R. Schultz*
Signature
* *Shirley M. Schultz*
Signature
* *Shirley M. Schultz*
Signature

Address
City State Zipcode

Address
City State Zipcode

Address
City State Zipcode

A Public Hearing, having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 10th day of November, 1993, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reported.

Zoning Commissioner of Baltimore County

RECEIVED 10/18/93
DATE 10/18/93
RECEIVED FOR FILING

Printed with Recycled Ink
on Recycled Paper

ITEM #: 159

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:
That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at 1817 WILSON POINT RD
Address
BALTO MD 21220
City State Zipcode

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty)

X Remaining old shed obstructive view
shed on side of property along side of
neighbor's lot. shed will not obstruct any
other view. SEE STATEMENT

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Jack R. Schultz
Signature
Shirley M. Schultz
Signature
Shirley M. Schultz
Signature

STATE OF MARYLAND, COUNTY OF BALTIMORE, to-wit:
I HEREBY CERTIFY, this 10th day of November, 1993, before me, a Notary Public of the State of Maryland, to and by the County of Baltimore, personally appeared

Jack R. Schultz and Shirley M. Schultz
The Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of their knowledge and belief.

AS WITNESS my hand and Notary Seal.

10-2-93
Date

My Commission Expires: 5/1/97

TO HEARING OFFICER.

FURTHER STATEMENT OF PRACTICAL
DIFFICULTY OR HARDSHIP

The existing shed located 5 ft from the water
side (front) will be dismantled without a
basement or other house storage space a shed
is needed for this purpose.

94-158-A

EXAMPLE 3 - Zoning Description - 3 copies 94-158-A

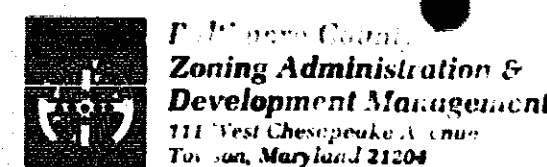
Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 9-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 1817 Wilson Point Road
(address)
Election District 15 Councilmanic District 5
Beginning at a point on the East side of Wilson
(north, south, east or west)
Point Road which is 30
(street on which property fronts) (number of feet of right-of-way width)
and a distance of 1140 FT. SOUTH of the
(number of feet) (north, south, east or west)
the nearest improved intersecting street SHORE RD.
(name of street)
which is 30 wide.
(number of feet of right-of-way width)

THEN THE FOLLOWING COURSES AND DISTANCES:
SOUTHERLY 100 FT, EASTERLY 90 FT, NORTHERLY 43 FT, NORTH WESTERLY
65 FT, THENCE WEST 109 FT TO THE POINT OF BEGINNING.
BEING 9,500 ± / .22 AC ±

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Town, Maryland

District 1st Date of Posting 11/14/93
Posted for Jack R. Schultz
Petitioner: Jack R. Schultz
Location of property: 1817 Wilson Point Rd., #15, 1400 3/4 Shaw Rd.
Location of Sign: Facing road way on property being zoned
Remarks: None
Posted by M. Kelly Date of return: 11/22/93
Number of Signs: 1



receipt

Date 10/8/93

94-158-A

1 RES FILING VAR.
CODE 010 \$ 50.00
DESIGN FILING
CODE 080 35.00
TOTAL \$ 85.00

OWNER: SCHULTZ
LOC 1817 WILSON PT RD.

Account: R 001 6150
Number 159
By JLL

Please Make Checks Payable To: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

November 8, 1993

Mr. and Mrs. Jack R. Schultz
1817 Wilson Point Road
Baltimore, Maryland 21220

RE: Case No. 94-158-A, Item No. 159
Petitioner: Jack R. Schultz, et ux
Petition for Administrative Hearing

Dear Mr. and Mrs. Schultz:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on October 8, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: PA170-VC
Item No: 159 (JLL)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
John Constable, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: November 11, 1993

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has comments on the following petition(s):
Item Nos. 147, 159 and 161.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-1344.

Prepared by: Jeffrey Long

Division Chief: Pat Keller

PK/JLL:lw

ZAC:147/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

October 27, 1993

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson, Jr.
Development Coordinator, DEPRM

SUBJECT: Zoning Item #159 - Schultz Property
1817 Wilson Point Road
Zoning Advisory Committee Meeting of October 18, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine whether the proposed development is in compliance with the Chesapeake Bay Critical Area Regulations. The applicant may contact the Environmental Impact Review Section at 887-3980 for details.

JL:KK:sp

SCHULTZ/DEPRM/TXTSP

Baltimore County Government
Department of Permits and Licenses

111 West Chesapeake Avenue
Towson, MD 21204

OCTOBER 18, 1993

(410) 887-3610

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

ZONING AGENDA: MEETING OF OCTOBER 18, 1993

Property Owner: JACK R. SCHULTZ and SHIRLEY M. SCHULTZ
Location: 1817 WILSON POINT ROAD
Item No.: #159 (JLL)

PROFESSIONAL REALTY COMPANY
#10019 REISTERSTOWN ROAD
+161 (WCR)

Gentlemen:

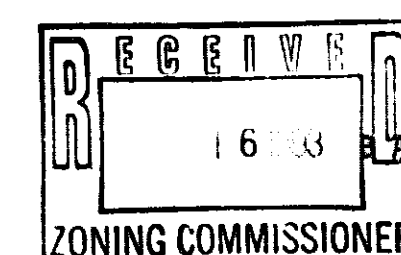
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

Noted and
Approved

Fire Prevention Bureau
ROBERT P. SAUERWALD (887-4880)

RPS/KEH



BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold E. Jablon, Director
Office of Zoning Administration
and Development Management

DATE: November 11, 1993

FROM: J. James Dieter

SUBJECT: Petition for Zoning Variance - Item 159
Schultz Property
Chesapeake Bay Critical Area Findings 94-158-A

SITE LOCATION

The subject property is located at 1817 Wilson Point Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Jack and Shirley Schultz

APPLICANT PROPOSAL

The applicant has requested a variance from section 400.1 of the Baltimore County Zoning Regulations "to permit an accessory (proposed shed) to be located in the side yard in lieu of the rear yard".

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts" <COMAR 14.15.10.01.0>.

Mr. Arnold E. Jablon
November 11, 1993
Page 2

REGULATIONS AND FINDINGS

1. Regulation: "Dredging, filling, or construction other than approved bulkheading shall not be permitted in any non-tidal and tidal wetlands unless the proposed development consists of utility, bridge, or street development in a non-tidal wetland and unless the Director of Environmental Protection and Resource Management finds this proposed development not detrimental to the County's Wetland Management Programs" <Baltimore County Code, Section 26-447>.

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site. Therefore, no dredging, filling, or construction shall occur in any tidal or non-tidal wetland for this project, and this regulation has been met.

2. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Section 26-449(a)>.

Finding: This property is adjacent to the tidal waters of Stansbury Creek. The existing house approximately 27 feet from mean high water allowing a buffer of approximately 27 feet to be established. No clearing, grading, or construction shall be permitted in the buffer.

3. Regulation: "If a parcel or lot one-half acre or less in size was in residential use or zoned for residential purposes on or before December 1, 1985, then man-made impervious surfaces associated with that use are limited to 25% of the parcel or lot" <Baltimore County Code, Section 26-543(e)(1)>.

Policy: "If permitted development on a property currently exceeds the 25% impervious surface limit, that percentage may be maintained during redevelopment of the property" <Baltimore County Department of Environmental Protection and Resource Management Policy Manual>.

Finding: The current impervious surface equals 2,772 square feet or 29% of the lot. This includes all building structures, paved and crusher run driveways and parking pads, swimming pools, or any other impervious surfaces. The proposed shed is 240 square feet and 240 square feet of existing shed and cement pad will be removed which will keep the impervious surfaces the same, 2,772 square feet or 29% of the lot, and is in compliance with the above regulation.

4. Regulation: "Infiltration of stormwater shall be maximized throughout the site, rather than directing flow to single discharge points" <Baltimore County Code, Section 26-453(h)(2)>.

Mr. Arnold J. Jablon
November 11, 1993
Page 3

Findings: Stormwater runoff shall be directed from impervious surfaces associated with this plan, to pervious areas, to encourage maximum infiltration. These measures will ensure that the requirements of this regulation are met.

3. Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland cover of at least 15%." (COMAR 14.15.02.04 C.(5)(e)).

Findings: The property currently has 16% tree cover and it must be maintained to be in compliance with the above regulation.

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations and is therefore approved. If there are any questions, please contact Ms. Patricia M. Lane at 887-8982.

J. James Dieter, Director
Department of Environmental Protection
and Resource Management

JDJ:KDA:lem

cc: Mr. and Mrs. Jack Schultz
1817 Wilson Point Road
Baltimore, Maryland 21220

SCHOL: 12-24 PM-BQCHCA

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

OCTOBER 14, 1993

NOTICE OF CASE NUMBER ASSIGNMENT

TO: Jack and Shirley Schultz
1817 Wilson Point Road
Middle River, Maryland 21220

RE: CASE NUMBER: 94-158-A (Item 159)
1817 Wilson Point Road,
6/8 Wilson Point Road, 1140' S of Shore Road
15th Election District - 5th Councilmember

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact case with this office regarding the status of this case should reference the case number and be directed to 887-3341. This notice also serves as a reminder regarding the administrative process.

1) Your property will be posted on or before October 17, 1993. The closing date (November 1, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or set up to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$20.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE EXPIRING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Cell John

Arnold Jablon
Director

Printed with Soybean Ink
on Recycled Paper

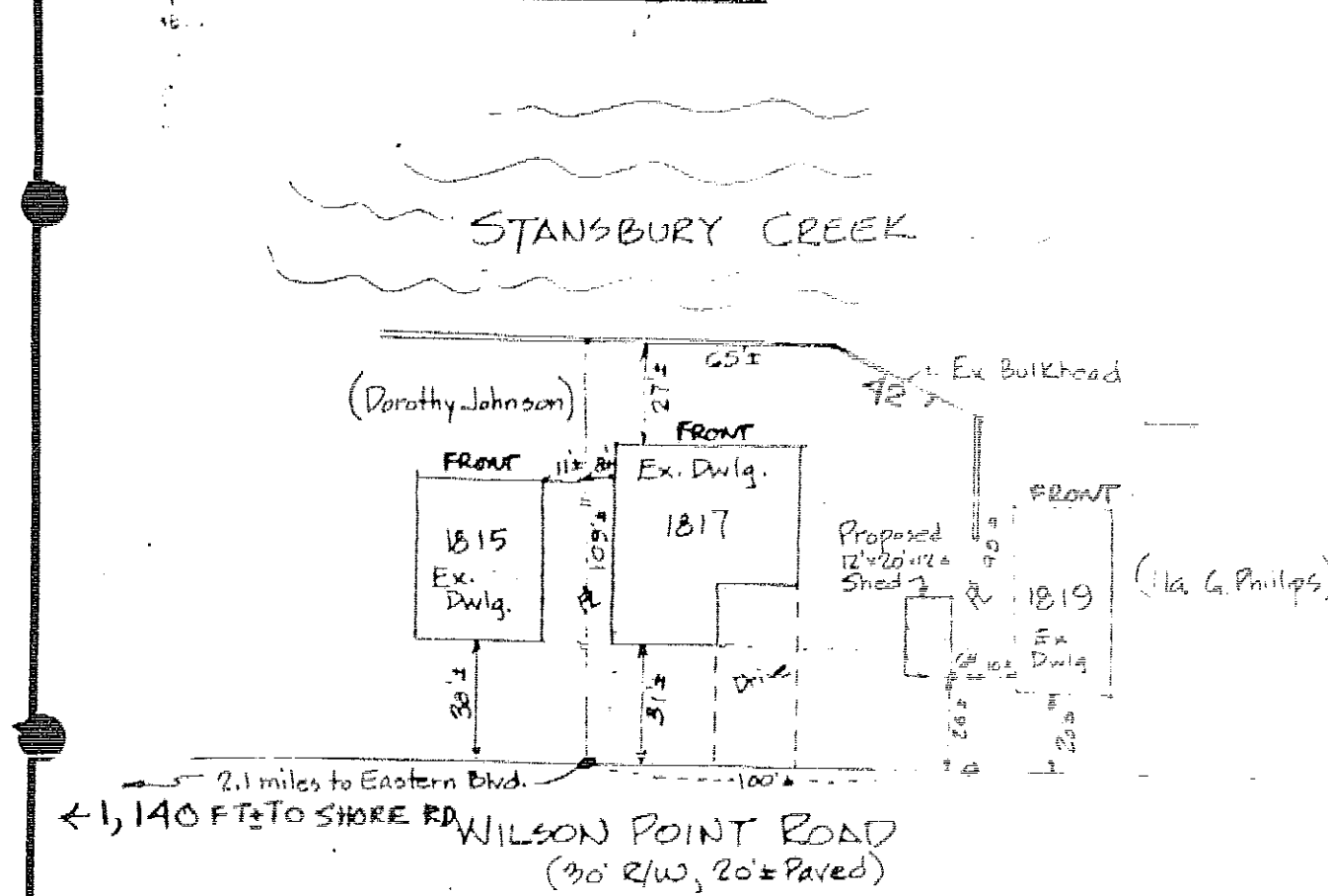
Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 1817 WILSON POINT ROAD

Subdivision name: BULL NECK

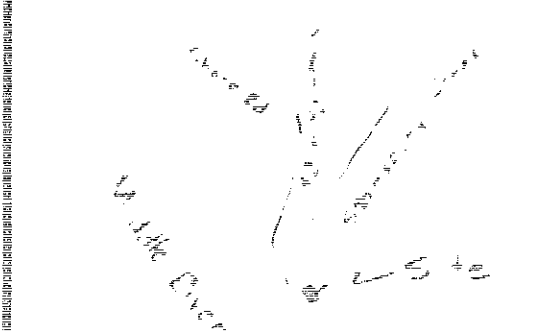
Plot book: folio, date, section (Tax Acc't 219-47,415)

OWNER: JACK SCHULTZ



94-158-A

North
date: 10/14/93
prepared by: Scale of Drawing: 1" =



Location Map
Scale: 1" = 1000'

LOCATION INFORMATION

Election District: 15

Councilmember District: 5

1" = 200' scale map: 1, 2, 3

Zoning: CR 55

Lot size: 0.22± acreage

Square Feet

SEWER: ☐ ☐

WATER: ☐ ☐

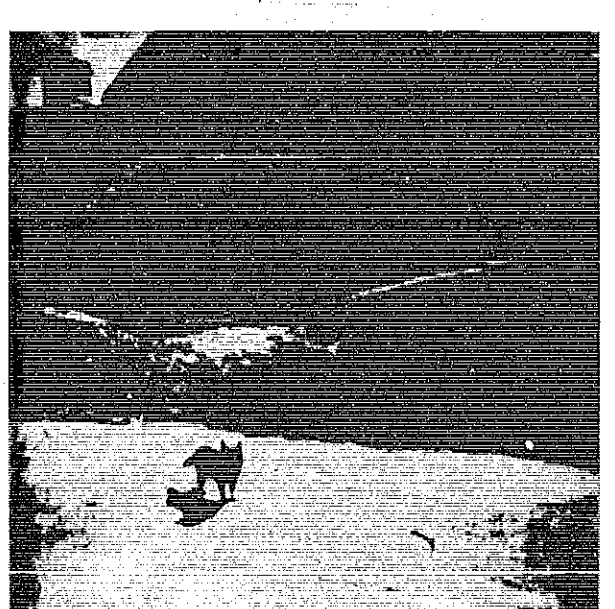
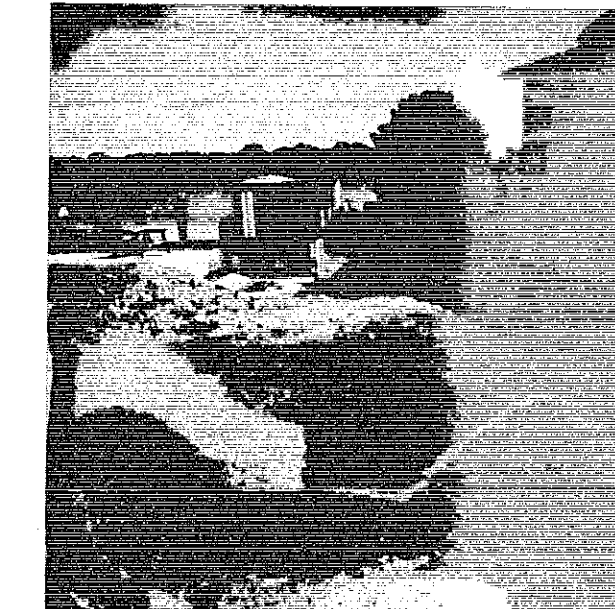
Chesapeake Bay Critical Area: ☐ ☐

Prior Zoning Hearings: ☐ ☐

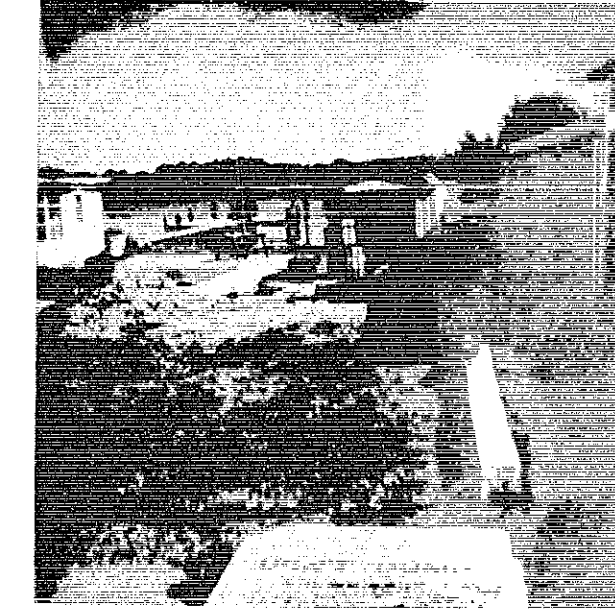
Zoning Office USE ONLY!

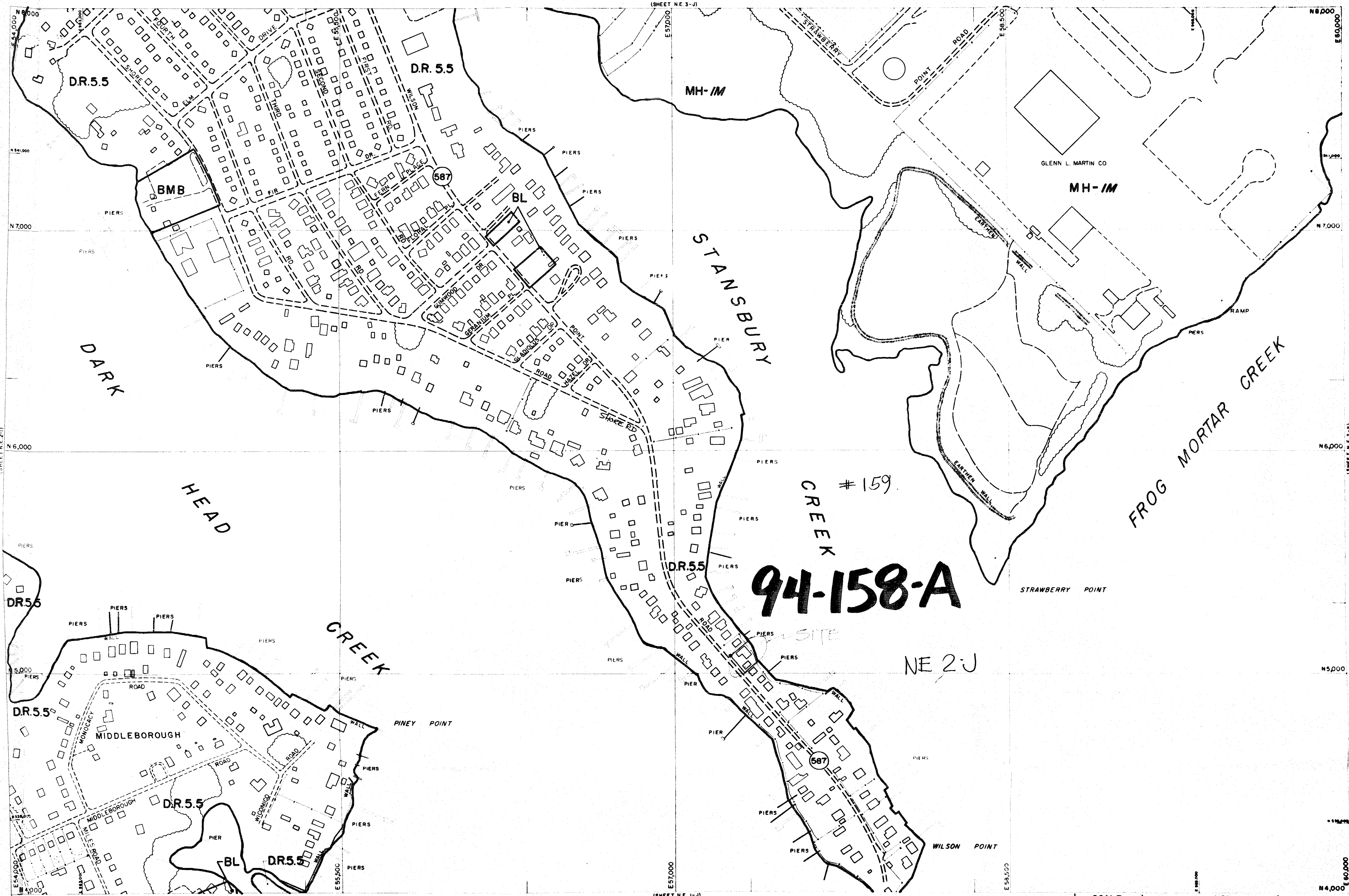
reviewed by: ITEM # CASE #

94-158-A



94-158-A





1-SE Z-SW

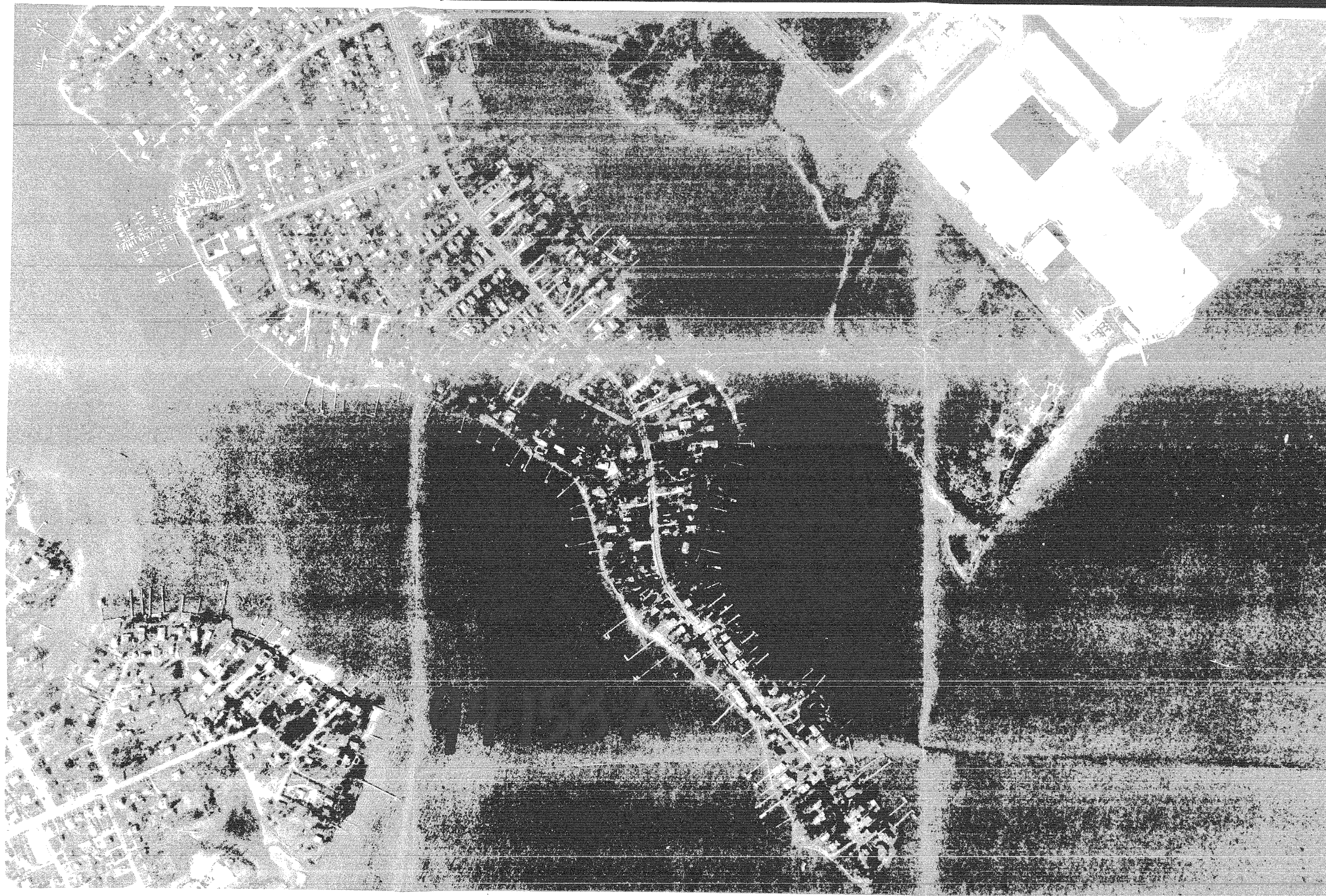
THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
PHOTOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY SUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Bill Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92

William L. Howard IV
Chairman, County Council

SCALE 1" = 200' ±	LOCATION WILSON POINT	SHEET NE 2-J
DATE OF PHOTOGRAPHY JANUARY 1986		



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±		
DATE OF PHOTOGRAPHY JANUARY 1986	WILSON POINT	N 6 2-J